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Dockets Facility
U.S. Department of Transportation
Room PL-401
400 Seventh Street SW
Washington, D.C. 20590-0001

RE: Docket No. RSPA-03-14456-5
Notice 1
Pipeline Safety: Liquefied Natural Gas Facilities: Clarifying and Updating Safety Standards

Duke Energy Gas Transmission (DEGT), through its pipeline subsidiaries, Algonquin Gas Transmission Company, East Tennessee Natural Gas Company, Texas Eastern Transmission LP, and M&N Operating Company, operates an extensive interstate natural gas transmission system. This pipeline system receives natural gas from the major production areas of the Gulf Coast and Canada for transportation and sale primarily in the Upper Midwest and Northeastern United States. The operation of this pipeline system is subject to the requirements of Title 49 Code of Federal Regulations Parts 190, 191, 192, 193, and 199.

DEGT operates a liquefied natural gas (LNG) facility in Kingsport, Tennessee subject to the regulations in 49 CFR Part 193 and will accordingly be affected by the revisions in the proposed rule referenced above.

DEGT supports the efforts of the Research and Special Programs Administration (RSPA) to enhance the safety of LNG facilities. We are pleased that RSPA proposes to adopt the 2001 edition of NFPA 59A and remove the cross-references to sections of Part 193 which were previously deleted. We would like to complement RSPA for their efforts on this docket and highlight some specific concerns.

We think that adopting NFPA 59A in its entirety for new facilities is appropriate. However, for existing facilities, any design and construction related provisions need to be grandfathered since these facilities already exist - this is detailed further in our comments. We agree with RSPA that the grandfathering provisions for existing LNG facilities do not relieve the operator from meeting the O&M requirements of the regulations.

Existing Facility O&M Plans

The final rule (Amdt. 193-17) published in the Federal Register on March 1, 2000 (65 FR 10950) which exempted existing LNG facilities from the new O&M requirements was referring specifically to **NFPA O&M requirements but not including Fire Protection O&M requirements**. This was stated in the preamble at 65 FR 10951, third column ... “ (Existing facilities need only comply with previously existing operations and maintenance requirements.)”

It is apparent that RSPA did not intend to replace current Part 193 O&M requirements with similar sections from the newly adopted NFPA 59A but only adopt the Fire Protection O&M requirements from the 1996 edition of NFPA 59A. We suggest RSPA clarify this point in the preamble and final rule and adopt only Paragraph 9.6 “Maintenance of Fire Protection Equipment” of the 2001 edition of NFPA 59A in the final rule.

Adoption of NFPA 59A Fire Protection Requirements for Subpart I - Fire Protection

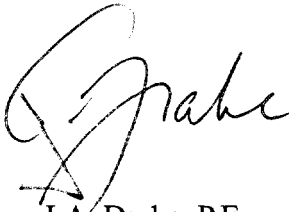
The final rule at 65 FR 10950 properly grandfathered existing LNG facilities from the new design and construction requirements but made a general blanket statement for Subpart I - Fire Protection (section 193.2801) that “Each LNG facility must meet fire prevention and fire control provisions of NFPA 59A.” This section is the basis for much of the confusion for existing facilities, since many of the NFPA 59A Fire Prevention and Control provisions are **actually design and construction provisions which can only be accomplished during the plant design and construction phase**. Retrofitting existing facilities to these new fire protection design and construction standards under NFPA 59A would be very difficult and not always possible. We believe RSPA did not intend to require retrofitting these facilities. NFPA 59A also references different fire and vapor dispersion models than those to which most existing LNG facilities were designed and constructed.

RSPA should clarify in the regulations that only the O&M-related fire protection requirements in Chapter 9, Section 9.6 of NFPA 59A apply to existing facilities, and that the design and construction-related requirements of Chapter 9 only apply to new facilities.

Also, some of the NFPA 59A fire protection references, such as the NFPA 600, Standard on Industrial Fire Brigades, 2000 edition (Chapter 12), are inconsistent with existing Part 193 training requirements. NFPA 600 would prevent LNG plant operating personnel from performing required fire-fighting duties. These NFPA reference codes should be reviewed for specific applicability before reference and adoption into either Part 193 or NFPA 59A. We recommend that all references to NFPA 600 be removed for existing LNG facilities.

DEGT thanks RSPA for its consideration of our comments and its continued commitment to LNG safety. We hope that these comments assist RSPA in promulgating this rule for LNG facilities that is practicable, clear and concise, enforceable, and effectively contributes to improvements in safety. If you have any questions or require any additional information, please contact me at 713-627-6385.

Sincerely,

A handwritten signature in black ink, appearing to read "J.A. Drake". The signature is stylized with a large, looping initial "J" and a cursive "Drake".

J.A. Drake, P.E.
Director of Codes and Metallurgical Services
Duke Energy Gas Transmission